

Remarks

Claims 1-20 are pending in the application. Claims 1-7, 9, 11-17 and 20 were rejected and claims 8, 10, 18 and 19 were objected to. By this Amendment, claims 1-3, 9, 10, 15 and 17-19 have been amended. Reconsideration of the claims is respectfully requested. No new matter has been added.

Rejection Under 35 U.S.C. § 102

Claims 1-3 and 7 were rejected under § 102(b) as being anticipated by U.S. Patent No. 2,820,628 issued to Oishei et al. (hereinafter "Oishei '628"). Applicants have amended claim 1 to recite an apparatus for positioning a window having "a carriage movably disposed on the guide track." Oishei '628 does not disclose an apparatus as claimed. Instead, Oishei '628 discloses "a guide way 2 (called a guide track by the Examiner) receiving the vertically slidable window pane 3" (see column 2, lines 1-2). Neither the channeled bracket 5 nor the ratchet member 34 (both called a carriage by the Examiner) is moveably disposed on the guide way 2. Thus, Applicants respectfully believe that the rejection of claim 1 has been overcome. Since claims 2, 3 and 7 depend on claim 1, Applicants believe that the rejection of these claims is overcome for the same reasons.

Claims 9, 11, 13 and 14 were rejected under § 102(b) as being anticipated by U.S. Patent No. 3,219,335 issued to Burrridge (hereinafter "Burrridge '335"). Applicants have amended claim 9 to recite the limitations of claim 10, which the Examiner indicated to be allowable if rewritten in independent form. Consequently, the rejection of claim 9 and dependent claims 11, 13 and 14 is believed to be overcome. Applicants further note that no arguments were presented for the specific claim limitations of claims 11, 13 and 14, which is sufficient to negate establishment of a *prima facie* rejection of these claims.

Rejection Under 35 U.S.C. § 103

Claims 1, 3-7, 15, 17 and 20 were rejected under § 103(a) as being unpatentable over Burrridge '335 in view of U.S. Patent No. 3,736,702 issued to Pickles (hereinafter

“Pickles ‘702”). Independent claims 1 and 15 and their respective dependent claims are discussed separately below.

Applicants have amended claim 1 to recite an apparatus for positioning a window that comprises “a lift mechanism configured to move between a raised position and a lowered position and having a guide track, a carriage movably disposed on the guide track, and a link connected to the carriage at a lower end and pivotally connected to a first window bracket at an upper end; and a strut that helps bias the lift mechanism toward the raised position.” Neither Burrige ‘335 nor Pickles ‘702, either alone or in combination discloses or suggests the apparatus as claimed. For example, Burrige ‘335 does not disclose a link that is connected to the carriage at a lower end and pivotally connected to a first window bracket at an upper end. Instead, Burrige ‘335 discloses “a channel member 13 (called a first window bracket by the Examiner) to which a pair of horizontal guide members 14 (called a link by the Examiner) are secured” (see column 2, lines 14-15). In other words, the guide members 14 are not pivotally connected to the channel member 13. Pickles ‘702 does not cure the deficiencies of Burrige ‘335 since it does not disclose or suggest a link as claimed. Consequently, Applicants believe that the rejection of claim 1 has been overcome. Since claims 3-7 depend on claim 1, the rejection of these claims is believed to be overcome for the same reasons.

Applicants have amended claim 15 to recite an apparatus for raising and lowering a window that has “a window release assembly having a release cable attached at an end to the pin, wherein application of sufficient force on the release cable disengages the pin and allows movement of the link independent of the carriage.” Neither Burrige ‘335 nor Pickles ‘702, either alone or in combination discloses or remotely suggests a window release assembly as claimed. Consequently, Applicants believe that the rejection of claim 15 has been overcome. Since claims 17 and 20 depend on claim 15, the rejection of these claims is believed to be overcome for the same reasons.

Claim 12 was rejected under § 103(a) as being unpatentable over Burrige '335 in view of U.S. Patent No. 3,640,022 issued to Kouth et al. (hereinafter "Kouth '022"). Claim 12 depends on claim 9 and is believed to be allowable for the reasons previously discussed.

Claim 16 was rejected under § 103(a) as being unpatentable over Burrige '335 in view of Pickles '702. Claim 16 depends on claim 15. Consequently, this claim is believed to be allowable for the reasons previously discussed.

Conclusion

Applicants have made a genuine effort to respond to the Examiner's objections and rejections in advancing the prosecution of this case. Applicants believe all formal and substantive requirements for patentability have been met and that this case is in condition for allowance, which action is respectfully requested. Please charge any fees or credit any overpayments as a result of the filing of this paper to our Deposit Account No. 02-3978.

Respectfully submitted,
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